

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

TYLER TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 20-cv-00173-TWP-DML
)	
LEXUR ENTERPRISES INC., ROBERT FRY,)	
JIMMY DAVIS, JOE THORNSBERRY,)	
AND JOHN DOES 1-100)	
)	
Defendants.)	
)	

**JOINT MOTION FOR EXTENSION OF MOTION TO DISMISS
BRIEFING SCHEDULE AND MODIFICATION OF CASE MANAGEMENT
PLAN IN LIGHT OF SCHEDULED SETTLEMENT CONFERENCE**

Plaintiff Tyler Technologies, Inc. (“Tyler”) and Defendants Lexur Enterprises Inc. (“Lexur”), Robert Fry (“Fry”), Jimmy Davis (“Davis”), and Joe Thornsberry (“Thornsberry”) (collectively, the “Defendants”) jointly move the court for an extension of the current motion to dismiss briefing schedule and for an attendant modification of the case management plan in light of the Parties’ scheduled settlement conference with the Court. In support of this Motion, the Parties state as follows:

1. Tyler filed its Complaint on August 10, 2020 (DE #1).
2. Following notices of automatic extensions of time by the Defendants (DE #12, #18, #23, #25), Lexur filed a motion to dismiss on September 29, 2020 (DE #29, #30), and Fry and Davis each filed motions to dismiss on September 30, 2020 (DE #32, #32, #33, #34).
3. Following the October 1, 2020 initial pretrial conference, the Court set the following briefing schedule: Tyler to respond to all three motions to dismiss (in a consolidated

fashion if desired) by October 30, 2020, and Defendants to submit replies, if any, by November 13, 2020 (DE #35).

4. Subsequently, on October 19, 2020, the Parties filed a Joint Motion for Extension of Motion to Dismiss Briefing Schedule so that they could continue early settlement discussions without otherwise dedicating resources to briefing (DE #39). The Court granted the Motion on October 21, 2020, and set the following briefing schedule: Tyler to respond to all three motions to dismiss by November 20, 2020, and Defendants to submit replies, if any by December 9, 2020 (DE #43).

5. The Parties have since continued to discuss settlement. Tyler issued a settlement demand to the Defendants, and Defendants have counter-offered. In light of that exchange, the Parties believe further discussions may be productive and have scheduled a full-day settlement conference with Magistrate Judge Lynch.

6. The conference is scheduled for December 21, 2020, which is the earliest date that both Magistrate Judge Lynch and the Parties are available.

7. In order to allow the Parties to dedicate their efforts to potential resolution without expending time and resources on the motion to dismiss briefing, the Parties request a modified motion to dismiss briefing schedule as follows: Tyler to respond to all three motions to dismiss (in a consolidated fashion if desired) by January 11, 2021, 21 days after the settlement conference with Magistrate Judge Lynch, and Defendants to submit replies, if any, 14 days later, by January 25, 2021.

8. The Parties also request that the Court modify the Case Management Plan approved on October 1, 2020 (DE #35) to adjust the deadline to file motions for leave to amend the pleadings and/or to join additional parties from January 10, 2021 to March 10, 2021. This request is made

because the Parties will be dedicating their efforts in the near-term to potential resolution and not to discovery, which would be a necessary precursor to any motions to amend.

9. These extensions will not affect any deadlines or the trial date, as this matter is in its early stages and discovery is not yet underway.

10. This Motion is not being made for any improper purpose.

WHEREFORE, the Parties respectfully request that the Court:

- (a) grant an enlargement of time up to and including January 11, 2021, for Tyler to file its response in opposition to the three pending motions to dismiss filed by the Defendants, with a reply deadline following on January 25, 2021; and
- (b) Modify Section III(D) of the Case Management Plan such that the deadline to file motions for leave to amend the pleadings and/or to join additional parties is extended to March 10, 2021.

[signature page to follow]

Respectfully submitted,

/s/ Ann O'Connor McCready

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DATED: November 17, 2020

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2020, a copy of the foregoing document titled ***Joint Motion for Extension of Motion to Dismiss Briefing Schedule and Modification of Case Management Plan In Light of Scheduled Settlement Conference*** was filed via CM/ECF and served on all counsel of record.

/s/ Ann O'Connor McCready